IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9958 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HUSAIN HASAM DAL

Versus

STATE OF GUJARAT

Appearance:

MR LR PATHAN for Petitioner

MR SAMIR DAVE AGP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/02/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner was detained as dangerous person under the order dated 2.9.2000 of the District Magistrate, Junagadh and he is presently at District Jail, Surat.

#. Challenging this order manifold contentions are raised by the learned counsel for the petitioner but as this petition deserves to be allowed only on one ground it is not necessary to refer all those contentions, discuss and decide.

#. Reply to the Special Civil Application has not filed by the respondents and the factual averments made in the Special Civil Application stand uncontroverted and same are taken to be admitted by the respondents.

#. From the grounds of the detention I find that against the petitioner six registered and some unregistered cases have been taken into consideration for recording subjective satisfaction by the respondent District Magistrate, Junagadh in this case. The grievance of the petitioner that despite of demand made of copies of the statements of witnesses recorded under Section 161 of the Cr.P.C. in the criminal complaints which are made basis for detention of the petitioner were not supplied to him and as a result of which he has been deprived of his valuable right of making effective representation against the detention order as guaranteed under Article 22(5) of the Constitution of India has been denied. This fact is not controverted by the learned counsel for the respondent.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 2.9.2000 is quashed and set aside. The petitioner Husain Hasam Dal Bhakti Nagar, the detenu, at present in District Jail, Surat be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

(S.K.Keshote, J.)

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